

Honorable Laura Taylor Swain
United States District Judge

December 2, 2015
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Re: United States v. Samuel Waldman
15 Cr. 139 (LTS)

characteristics, a noncustodial sentence would be sufficient, reasonable, and in conformance with other sentences imposed in this district.

3.7 The need to provide restitution

The need to provide restitution supports a non-incarceratory sentence. Mr. Waldman would of course be in a better position to begin paying any restitution order if he were not incarcerated, and instead permitted to continue working. As for the restitution amount, if any, he agrees that limited restitution would be appropriate to the extent he played some role in the causal process underlying the outstanding losses to any identifiable victim present in the child pornography he actually possessed. *See Paroline v. United States*, 134 S. Ct. 1710, 1727 (2014). We are open to discussing this matter with the Government once it has obtained information regarding the identities of any victims, mindful of course that any restitution order should be “reasonable and circumscribed.” *Id.*

Conclusion

In a case involving child pornography, there is perhaps a reflexive reaction that the defendant must deserve prison time. Mr. Waldman does not. He is someone who has atoned for his mistakes and used them as an opportunity for personal growth and to demonstrate that he can, and will, live a law-abiding life in the future. The Court should sentence him to five years’ probation.

Probation is no mere slap on the wrist. “Probationers do not enjoy the absolute liberty to which every citizen is entitled, but only ... conditional liberty properly dependent on observance of special [probation] restrictions.” *United States v. Hill*, 967 F.2d 902, 908 (3d Cir. 1992) (internal quotation marks omitted). This is especially true for a defendant like Mr. Waldman who will be required to register as a sex offender, an additional harsh sanction. A sentence of probation would ensure that Mr. Waldman is closely monitored and subject to serious sanction by the Court—including a prison term—should he fail in any way to abide by the terms and conditions of his probation. *See* 18 U.S.C. § 3565(a)(2) (permitting, for a probation violation, any sentence originally available for the defendant’s underlying offense).

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At the same time, sparing Mr. Waldman prison time would allow him to continue as the outstanding father he has been to his 13 children and the devoted husband he has been to his wife. *See* Waldman Family Photo (Exhibit D). It would also allow him to continue to receive the much-needed treatment that incarceration would deny him.

Mr. Waldman has every intention of continuing to address the underlying causes of his misconduct. He is committed to never breaking the law again. Given the overwhelming support he enjoys from those who know him best, and his impressive performance during the pendency of this case, there should be no doubt he will succeed.

Sincerely,

/s/ Jonathan Marvinny

Jonathan Marvinny
Assistant Federal Defender
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EXHIBIT A
REDACTED



To Whom It May Concern,

11/11/2015

My name is Rabbi Weinfeld, and I am the Rabbi at the synagogue Congregation Lev Avrohom, where Samuel Waldman prays. I know him now for over 7 years, which is when I became the Rabbi at the congregation. I have a very close relationship with him and I really know his true essence. (I am aware of his guilty plea as well.)

I must tell you that people like Samuel Waldman do not come around too often. You see even if someone does something wrong, we always want to determine if what he did was his true essence, or is his essence really something else and what he did was out of character. Well let me tell you what his true essence is. First and foremost, he is a true gentleman, a scholar, and a G-d fearing person as well, (and I say that even after knowing that he has pled guilty to possession of child pornography). He goes about his business in the synagogue in a very humble way. He always speaks so nicely to everyone (95% of the congregation don't hold a candle to his piety or scholarship. To everyone's enjoyment he lectures a few times a year to the whole congregation, and his words are always very enjoyable, and they make a lasting impact. He is absolutely exemplary in the way he prays showing tremendous devotion to G-d. Often if you paying enough attention you will catch him doing small acts of kindness that typically goes unnoticed (I have a sharp eye and I see what he does). He will always pick up used tissues from the synagogue floor. If there are coffee cups or other litter left on a table he will clear them off as well. (Mind you at age 53 he is from the older members of my synagogue.) There are times when a bunch of cups of water need to be brought in after a Sabbath meal before saying the after meal blessings, and if he sees that the regular person that brings it in isn't around he will sneak out to bring them in. Now, although this should be done by younger members of the synagogue, he has no airs about himself whatsoever and he does it gladly and quietly. Sometimes when we are set up for a larger festive meal than usual, it happens that the head table is sometimes forgotten about and no food ends up on it. Samuel will always be the first one to come over and make sure that those on the head table get served. This humility is in spite of the fact that that he has written one of the most popular and important Jewish books on Jewish basics over the past 25 years. (Beyond a Reasonable Doubt: Convincing Evidence to the Truths of Judaism, Feldheim Publishers) Although I am his Rabbi, nevertheless I always value his opinion about the things that go on in the synagogue. I consider him to be a close personal friend of mine, and I am proud of it. My son Mayer who is 10 years old plays at the Waldman residence almost daily. He continues to do so with my full blessings even though I am fully aware of Mr. Waldman's guilty plea. The Waldman's have the most normal household and exemplary children whom I get to see in the synagogue on a very frequent basis.

These feelings that I convey about Samuel Waldman are not just feelings that only I have about him, it's the feelings that I feel safe to say are the feelings that probably all of the congregants in my congregation have about him, and for good reason. We continue to honor him to be called up to the Torah just as we did before his arrest and guilty plea, because we all know who he really is. He has dedicated his life to teaching Torah and spreading Judaism in many ways, and is an exemplary member of our congregation.

It goes without saying that what he has pleaded guilty to is completely out of character. I am 100% sure that such action could only have come during a time, which unfortunately have been many for him, that he has been very down and out about his financial situation. His financial situation has been a constant struggle since he left the lucrative mortgage business in 2008 during the financial market crash. Since then, providing for his family has been an immense struggle considering his large family and his lack of being able to find a steady paying job. However, I know him very well, and I know what his true essence is, Samuel Waldman is a person of beautiful character traits, and a humble, G-d fearing person. He has on numerous occasions told me how upset he is with himself for not realizing that in various ways he might have been hurting innocent children. That's the last thing a person like him would want to do. This is someone who will never watch child pornography again.

If I can be of further assistance please feel free to contact me at 917 734 5706.

Sincerely,


Rabbi Yaakov Mordechai Weinfeld

I Whom It May Concern,

Of course I am aware of the charges against my husband, Samuel Waldman, but as his wife for close to 30 years, I know who the real Samuel Waldman is; the charges against him are completely out of character. We have a happy, strong, and loving marriage, one of mutual respect. Samuel is a caring and concerned husband and involved in my life. I discuss anything which is on my mind with him and I can always depend on him for good solid advice stemming from his common sense.

Samuel is an excellent and loving father to our 13 children. At our family meals on weekends, he is anxious to hear from the children about what they learned that week. We have family discussions, they sing together, and all is in a happy and calm atmosphere. Samuel gets excited with the children as they reach milestones and he is concerned and involved in their upbringing and education.

Samuel was a successful teacher for many years. He was a good and conscientious teacher and his students really liked him. Many times, parents wrote him "thank-you" notes expressing their appreciation to him for teaching their sons and building their self esteem and character. He treated

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them as individuals and they appreciated that.

Samuel has given lectures to high school boys who may easily be bored with yet another class, but he held their interest and attention even if he went overtime.

Samuel also taught in summer camps for many years and he was very well liked and successful. The boys' summer camps have learning programs for a few hours a day. Because it's not as official as real school, the boys are often difficult to control, but Samuel did a great job. He instituted incentives and prize programs and the boys learned well.

Our block is a friendly one and the neighbors are constantly in and out playing with our children. Our children go to their houses and they come to spend time at ours.

~~Never ever~~ ^{not} ~~Even once~~ - was there an incident in any way between Samuel and his many students or the children who come to our house!

Samuel filled a void by writing a highly popular book entitled "Beyond a Reasonable Doubt." The book discusses different aspects of faith and has strengthened the faith of many people who have read the book. There are people who actually became religious after

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Reading his book. It is used as a textbook in some schools and prominent speakers and outreach professionals recommend the book.

Occasionally he gets phone calls from people who have questions on the topics about which he writes, and he answers the callers satisfactorily.

Samuel is well read about the wonders of nature and intelligent design of the world. In fact he was asked to edit a manuscript about the many wonders of nature and he is just finishing that project.

Samuel is a sensitive person and is always ready to help others. From time to time, we have guests over at our house; often someone who is otherwise lonely.

Because Samuel is so respected and beloved, whereas someone else who would face the charges that he is facing would be ostracized, Samuel has the full support of family and friends. They are concerned and only want to know what they can do to help him.

Sincerely,
Shayne R. Waldman

April 18, 2014

To whom this may concern,

My name is Dovid Waldman. I'm currently a full time student in a local talmudical college studying towards rabbinic ordination. I'm also involved in numerous organizations which help out needy families in the community. I'm the oldest of Mr. Waldman's 13 children so I've known him quite well all my life and I am in touch with him quite often.

My father devotes his life and soul to the emotional well being and financial stability of our family. Our house always has a calm and cheerful atmosphere. As a father I know the importance that my children should feel the security that their parents get along well and care for each other and have a healthy relationship. That's the feeling that I grew up with myself. I always knew that my parents were the best parents and that they took such a strong interest in each other's well being and that they were so respectful to each other.

Bringing up a large family isn't an easy task and by many families that can lead to a lot of stress and a lack of marital harmony in general. Any time that my father sees my mother getting a little overwhelmed or overworked he is always supportive and helps her out and makes sure she takes it easy. He stops whatever important things he's doing and takes over as much as he can. All my years never once did my father raise his voice to my mother. I never saw him say or do anything to hurt her feelings even a drop. My mother looks up to him as a respectable person and always respects his opinion. He is an extremely caring and sensitive husband and father and although he is always busy balancing numerous jobs and responsibilities to bring in income for the family he never fails to spend time with us. Whether it be studying with us every night or just plain schmoozing and joking around. I always felt very loved and cared for by my father and so did the rest of my younger siblings. I always looked forward to going on outings with him and as a child it was always enjoyable to spend time with him. Every weekend we sit by our Shabbos meals and he listens patiently with interest to what every child has on their mind whether it's important or not. He takes an interest in participating in everything going on with us whether in school or general life milestones. You can watch the videos of him from all of the years and you can see what a good father he is. We never felt any roughness whatsoever let alone any abusiveness. My wife and I enjoy visiting the house all of the time and any time we go over to his house now my daughter runs over to him and screams with joy Zaidy (Grandpa)! I feel very comfortable and safe having him around her since I know him so well and what he's all about. Even when the financial situation was tight, as children we never felt the squeeze. It was always a good and happy atmosphere in the house and although it was